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In re Application of GARCIA COLLAZO et al :
U.S. Application No.: 10/593,928 :
PCT Application No.: PCT/EP2005/003033 : DECISION
Int. Filing Date: 22 March 2005 :
Priority Date Claimed: 22 March 2004 :
Attorney Docket No.: 102900-102 :
For: THYROID RECEPTOR AGONISTS :

This is in response to applicant's "Response to Notification of Defective Response" filed 18 October 2007, which is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 22 March 2005, applicant filed international application PCT/EP2005/003033, which claimed priority of an earlier United Kingdom application filed 22 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 22 September 2006.

On 21 September 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 18 May 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 01 June 2007, applicant filed an executed declaration.

On 27 August 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 01 June 2007 is improper.

On 18 October 2007, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The response states that the surname of the second inventor has changed from Eriksson to Norin.

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. In the present case, the requisite petition fee will be charged to Deposit Account No. 23-1665 as authorized by applicant. However, the requisite statement or copy of the court order has not been furnished.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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